

Supporting Statement for Paperwork Reduction Act Submissions

30 CFR § 57.22606(a), Explosive Materials and Blasting Units (pertains only to metal and nonmetal underground mines deemed to be gassy)

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

Under 30 C.F.R. Parts 7 and 15, MSHA evaluates and approves explosive materials and blasting units as permissible for use in the mining industry. However, since there are no permissible explosives or blasting units available that have adequate blasting capacity for some metal and nonmetal gassy mines, 30 C.F.R. § 57.22606(a) outlines the procedures for mine operators to follow when using nonapproved explosive materials and blasting units. The standard provides that mine operators of metal or nonmetal gassy mines must notify MSHA in writing prior to their use of nonapproved explosive materials and blasting units. MSHA then evaluates the nonapproved explosive materials and determines whether they are safe for use in a potentially gassy environment.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

MSHA uses the information provided by the mine operator to determine whether nonapproved blasting materials and explosives and procedures are safe for use in a gassy underground metal or nonmetal mine. Without such determinations, miners may be exposed to significant safety risks.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

No improved information technology has been identified that would reduce the burden, however in order to comply with the Government Paperwork Elimination Act mine operators may request MSHA evaluation and approval of explosive materials and blasting units for use in the mining industry and retain the records in whatever method they chose, which may include utilizing computer technology.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

MSHA knows of no other Federal or State reporting requirement that would duplicate this requirement.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

The provisions of the Federal Mine Safety and Health Act of 1977 (Mine Act) and the regulations promulgated thereunder apply to all operations, regardless of size, because accidents, injuries, and illnesses occur at all mines. Congress intended that the law be enforced at all mining operations within MSHA's jurisdiction regardless of their size, and that information collection and recordkeeping requirements be consistent with efficient and effective enforcement of the Act. See. S. Rep. 181, 95th Cong., 1st Sess. 28 (1977). However, Congress did recognize that small operations may face problems in complying with some provisions of the Mine Act. Section 103(e) of the Mine Act directs the Secretary of Labor not to impose an unreasonable burden on small businesses in obtaining any information under the Act. Accordingly, the agency takes this into consideration when developing regulatory requirements, and when appropriate and consistent with ensuring the safety and health of the nation's miners, different requirements for small and large operations exist. See, for example, 30 C.F.R. §§ 49.3 and 50.11(b). However, MSHA does not believe that providing separate and distinct information collection requirements for small mines in regard to § 57.22606(a) would promote the Mine Act's objective of ensuring a safe and healthful environment for the miners. This information collection does not have a significant economic impact on a substantial number of small entities.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The underground metal/nonmetal mine operator notifies the appropriate MSHA district manager of all nonapproved explosive materials and blasting units to be used prior to their actual use. Failure to enforce these requirements could result in the use of unsafe explosives by mine operators and create unsafe conditions, jeopardizing the safety of miners.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- ! requiring respondents to report information to the agency more often than quarterly;
- ! requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- ! requiring respondents to submit more than an original and two copies of any document;
- ! requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
- ! in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- ! requiring the use of a statistical data classification that has not been reviewed and approved by OMB;

- ! that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- ! requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

While underground metal/nonmetal mine operators are not explicitly required to maintain records for more than three years, they must provide MSHA with the appropriate information regarding the use of nonapproved explosive and blasting devices as long as the mine is in operation. The requirements under this standard are otherwise consistent with the general information collection guidelines in 5 C.F.R. § 1320.5.

8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

MSHA will publish the proposed information collection requirements in the Federal Register, notifying the public that these information collection requirements are being reviewed in accordance with the Paperwork Reduction Act of 1995, and giving interested persons 60 days to submit comments.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

MSHA has made no decision to provide payment or gifts to the respondents identified by this collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

There is no personal information requiring confidentiality.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- ! Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- ! If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- ! Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.**

There are 20 metal and nonmetal underground mines deemed to be gassy. MSHA estimates that only seven underground metal/nonmetal mine operators will change explosive materials or blasting units during the year. Therefore, only seven operators would need to prepare a notice each year to the appropriate MSHA District Manager that they are seeking to use nonapproved explosive materials or blasting units. It is further estimated that it takes the mine operator approximately one hour to prepare and submit the notice.

Burden hours:

$$7 \text{ notices} \times 1 \text{ hour/notice} = 7 \text{ hours}$$

Burden cost:

$$7 \text{ hours} \times \$45.79 \text{ per hour (average salary of mine management official)} = \$322$$

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)

- ! The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- ! If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- ! Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no costs associated with this collection other than those included in Items 12 and 14.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

MSHA estimates that it will take approximately one hour to review a notice of the proposed use of nonapproved blasting materials.

$$7 \text{ notices} \times 1 \text{ hour/notice} \times \$26 \text{ per hour (average salary of MSHA safety specialist, GS 12/5 (\$25.50))} = \$182$$

15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

There is no change in burden hour, however there is a change in burden hour costs due to salary increases during the past three years.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and

other actions.

The results from the information gathered from this collection will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

MSHA is not seeking approval to not display the date.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.

There are no certification exceptions identified with this information collection.

